

Design and Cost Report for S278 Highway Works Associated With Land At Leeds Road, Collingham, Wetherby, LS22.

Date: 26 July 2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 32695

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Outline planning permission was granted in December 2016 for a residential development of up to 150 dwellings and associated highway improvements at Leeds Road, Collingham. The planning consent requires highway improvements described in detail in paragraph 6 below.

To meet the requirements of the planning permission and deliver the highway improvements, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highway works to be carried out. The works are to be carried out by Leeds City Council, fully funded by the developer.

This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the development to allow the Council to design and construct the works at the developer's expense.

Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- a) Note the detail of the highway works described in outline in paragraph 6 of this report and shown on plan 732695/LCC/HWT/PH1/DR/CH/01_01 attached at **Appendix 3**;
- b) Give authority to negotiate the terms of and enter into an agreement with the developer under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the development are carried out by Leeds City Council, fully funded by the developer.
- c) Give authority to complete the detailed design, tender and implement the works as set out paragraph 6.
- d) Give authority to incur expenditure of £457,800 works costs, statutory undertakers' costs (total cost estimates unknown at this time) and £148,524 staff costs, all to be fully funded by the developer through the S278 Agreement.

- e) Approve the adoption of new highway construction on land shaded red on drawing number 732695-LCC-HWT-PH1-DR-CH-MI_04 so that it can be added to the Council's maintenance regime.
- f) Authorise the City Solicitor to advertise a Draft Speed Limit Order to extend the 30mph speed limit west to beyond the existing substation and relocate the existing VAS sign, as shown on drawing 732695/LCC/HWT/PH1/DR/CH/01_01, and if no valid objections are received, to make, seal and implement the Orders as advertised;
If objections are received when advertised these will be reported back to the Chief Highways Officer

What is this report about?

- 1 Section 278 of the Highways Act 1980 allows Highways Authorities to enter into agreements with developers for the execution of highway works at the developer's expense. The preconditions for an agreement under Section 278 of the Highways Act 1980 are, first, that the Highway Authority should be satisfied that it will be of benefit to the public to enter into an agreement for the execution of the works and, secondly, that the work must fall within the Highway Authority's powers of road building, improvement and maintenance.
- 2 The proposals within this report are concerned only with the delivery of the off-site highway works at the proposed site access, the principle of these works having been considered and accepted as part of the planning process for planning consent (ref.: 14/00315/OT). The location of the development site is provided on Location Plan Drawing no: P13 4827 02 Rev.0 at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: 732695/LCC/HWT/PH1/DR/CH/01_01) is provided at **Appendix 3** of this report.
- 3 Outline planning permission was granted on Appeal in December 2016 (ref: 14/00315/OT) for a residential development up to 150 dwellings including means of access and associated highway improvements at Leeds Road, Collingham, Wetherby, LS22. Reserved matters approval was subsequently granted in December 2021 (ref: 19/07608/RM) for 129 dwellings.
- 4 A Report was previously approved at Highways Board and Delegated Decision Notice signed in October 2018 for highways works associated with the development; however, the design works, and legal agreement were not progressed at this time.
- 5 Since the approval in 2018, further discussions have taken place internally and with the developer. Due to the complexity of the works and timescales required for the development, in particular the construction of the new bridge for vehicular access to the development site, it has been agreed that the bridge will be removed from the scope of the S278 works and will instead be included in the works covered by the S38 agreement for the internal highway layout, to be delivered by the developer. This Report therefore reflects the changes to the scope of works for the off-site highways works at the site access on Leeds Road. A further Report will cover the signalisation of junctions and culvert strengthening required as a result of the development.
- 6 The highway works are required to ensure pedestrian and vehicular movements associated with the development can be safely accommodated and do not have a detrimental effect on the surrounding highway network. The proposed works comprise:
 - o Formation of the site access with associated carriageway widening to the northern side of Leeds Road as shown indicatively on drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.

- Realignment of the existing footway on the northern side of Leeds Road to run parallel alongside the proposed carriageway widening as shown indicatively on drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.
 - Provision of an informal pedestrian crossing including tactile paving and refuge island to allow pedestrians to access the new bus stop on the southern side of Leeds Road, shown indicatively on drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.
 - Provision of new footway on the southern side of Leeds Road extending from the new informal pedestrian crossing to the west up to the new bus stop as shown indicatively on drawing 732695/LCC/HWT/PH1/DR/CH/01_01.
 - Installation of two new sheltered bus stops provided with real time passenger information on Leeds Road as shown indicatively on drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.
 - Widening of the existing footway on the northern side of Leeds Road between Crabtree Green and Mill Lane, shown indicatively on drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.
 - Relocation of the existing 30mph speed limit further west, Vehicle Activated Sign and associated road markings as shown indicatively in drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.
 - Provision of street lighting along the new 30mph speed limit area as shown indicatively in drawing No. 732695/LCC/HWT/PH1/DR/CH/01_01.
 - All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
 - Any associated statutory undertakers' works resulting from the works; and
 - Any works reasonably required following safety audits of the design and construction of the highway works.
- 7 To meet the requirements of the planning permission the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out.
- 8 This report seeks authority to negotiate terms and enter into a Section 278 Agreement for the highway works associated with the development to allow the Council to design and construct the works at the developer's expense.
- 9 The planned highway works will contribute to the Best Council Plan by maintaining and improving the safety of Leeds residents and enabling safe pedestrian, cycle and vehicular access in the local community.

What impact will this proposal have?

- 10 The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of wider footways and carriageway, pedestrian crossing and relocation of 30mph speed limit reduction to include the site access and pedestrian crossing. Such improvements will accommodate the needs of all users.
- 11 An Equality, Diversity, Cohesion and Integration (EDCI) impact assessment has been carried out on the Section 278 process and is included in **Appendix 1**. The assessment confirmed that individual designs put forward as part of this process will take into account the needs of each of the equality characteristics and will aim to meet Section 278 (4) which states that "*A highway authority shall not enter into an agreement under this section unless they are satisfied that it will be of benefit to the public*". As part of the design and

construction process further equality screenings and impact assessments will be undertaken as required.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 12 The proposals support objectives across the three pillars. The highway works will provide improved infrastructure to support the needs of the development and to enable better pedestrian movement to and from the site, enhancing access to public transport facilities and thereby encouraging travel by more sustainable transport modes.
- 13 The proposed highway works accord with Core Strategy policies T2 & EN8, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 14 A Stage 1 Road Safety Audit has been undertaken as part of the outline planning application and the issues identified by the audit will be addressed at detailed design stage.
- 15 The proposed footway widening, and pedestrian crossing provision will enable pedestrian connections to public transport and local business located in Collingham.
- 16 The development incorporates Electric Vehicle Charging Points, cycle parking provision and sustainable travel options will be promoted through a Travel Plan. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.
- 17 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, public transport and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Harewood

Have ward members been consulted? Yes No

- 18 Harewood Ward Members were consulted by email dated 03rd December 2021, no comments have been received at the time of writing this report.
- 19 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 03rd December 2021. West Yorkshire Police advised of the controversy in the local community about the development, of which we were aware.
- 20 Internal consultation took place with colleagues in Highways and Transportation Services by email dated 03rd December 2021. Issues raised have been passed to the Design team for inclusion in the detailed design.

What are the resource implications?

- 21 The developer will meet the Council's costs, estimated to be £606,324 to design and construct the works (excluding statutory undertakers' cost estimates), all of which will be fully funded through the Section 278 agreement.
- 22 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 23 Staffing: The design and supervision of the works can be carried out within the existing staff resources.
- 24 The Section 278 Agreement will include commuted sums for future maintenance.

Funding Approval :	Capital Section Reference Number :-		32695				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH 2022	FORECAST				
	£000's	£000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL	TO MARCH 2022	FORECAST				
	£000's	£000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	457.8		457.8				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	148.5	110.0	38.5				
OTHER COSTS (7)	0.0						
TOTALS	606.3	110.0	496.3	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH 2022	FORECAST				
	£000's	£000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£000's
LCC Supported Borrowing	0.0						
Revenue Contribution	0.0						
Capital Receipt	0.0						
Insurance Receipt	0.0						
Lottery	0.0						
Gifts / Bequests / Trusts	0.0						
European Grant	0.0						
Health Authority	0.0						
School Fundraising	0.0						
Private Sector	0.0						
Section 106 / 278	606.3	110.0	496.3				
Government Grant	0.0						
SCE (C)	0.0						
SCE (R)	0.0						
Departmental USB	0.0						
Corporate USB	0.0						
Any Other Income (Specify)	0.0						
Total Funding	606.3	110.0	496.3	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

What are the key risks and how are they being managed?

- 25 The total cost of the highway works and staff fees are fully developer funded.
- 26 The developer will provide funding for third party claims under The Noise Insulation Regulations 1975 (as amended) and the cost of meeting any other claims properly payable

under the Land Compensation Act 1973 which arise as a result of the carrying out and the use of the Highway Works.

What are the legal implications?

- 27 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 28 The works contained in this report are of a value greater than £500k but the impact on the Council's budget and financial risks associated with it are not of this value as the works are fully Developer funded. In addition, the works may have an impact on the public at large however the scope of the works was confirmed at Planning Application stage, giving the public the opportunity to provide comment. For these reasons the works contained in this report do not constitute a key decision.
- 29 All work proposed lies within the framework of highways legislation and national and local standards for design where applicable. All other relevant legislation will also be taken into consideration, including duties under the Equalities Act 2010.
- 30 The proposals regarding the footway alterations and pedestrian crossing with refuge islands are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.
- 31 The works will require the advertising of a Draft Speed Limit Order to extend the existing 30mph speed limit from the west of Crabtree Green to the west up to the existing substation at the expense of the Developer. If objections are received when advertised these will be reported back to the Chief Highways Officer for due consideration.

Options, timescales and measuring success

What other options were considered?

- 32 The scope of the highways access and other works was assessed and agreed at Planning Application stage therefore no other options formed part of this proposal. A separate Section 278 Agreement and Highways Board Report will be submitted to cover the additional off-site highway works associated with the development. Briefly, these will comprise: introduction of traffic signal controls at the junction of A58 Main Street/A659 Harewood Road and culvert strengthening/replacement below the Wattle Syke junction to accommodate the proposed highway works.

How will success be measured?

- 33 Success will be measured by the delivery of the highway works to support planning consent 14/00315/OT, thereby achieving the stated social, environmental and economic benefits to the city and locality.

What is the timetable and who will be responsible for implementation?

- 34 Works for the proposed development will commence in 2022. The proposed highway works would be fully implemented by April 2023

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: P13 4827 02 Rev.0
- Appendix 3 - General Arrangement drawing No.: 732695/LCC/HWT/PH1/DR/CH/01_01.
- Appendix 4 – Adoption Plan drawing No.: 732695-LCC-HWT-PH1-DR-CH-MI_04
- Appendix 5 – Approved Reserve Matters Site Layout Drawing No.: 811106-01 Rev H

Background papers

- None